

U.S. Commission on International Religious Freedom

September 16, 2020

Written Testimony by Ambassador (Ret.) John E. Herbst

Director of the Eurasia Center at the Atlantic Council

Russian Religious Policy and its Impact in Ukraine

Chairwoman Manchin, Vice Chairman Perkins, Vice Chairwoman Bhargava, and Honorable Commissioners, thank you for the opportunity to speak to you at the U.S. Commission on International Religious Freedom. It is an honor.

I will testify today on Russian religious policy and its impact in Ukraine.

This is an important and multi-faceted topic that will be addressed in the following way: I will very briefly describe key patterns of Russian state policy towards religion and the use of that policy in Ukraine.

A good part of this testimony has to do with policy toward Islamic groups in Russia, Crimea and Ukraine. But part also has to do with the critical tie of the Russian state to Eastern Orthodoxy through the Moscow Patriarchate of the Russian Orthodox Church and its use of Orthodoxy both to bolster legitimacy at home and to spread influence abroad. Regarding both Islam and Eastern Orthodoxy, the policy is a geopolitical factor of prime importance.

Russia has a rich religious heritage and a long history of religious statecraft. Eastern Orthodox Christianity has been closely associated with, first Kyivan Rus and then the emerging Russian state in Moscow since the baptism of Prince Volodymyr (Vladimir in Russian) in 988AD. Since its establishment in 1589, the Moscow Patriarchate has been the largest and wealthiest institution in the Orthodox World. Though abolished twice, by Peter the Great in the early 18th century and the Bolsheviks two centuries later, it regained an influential position within world Orthodoxy when reestablished by Stalin to buck up the Slavic peoples of the Soviet Union during World War II.

Russia has also historically been home to significant Buddhist, Jewish and Muslim populations. Believers in all three faiths were by and large permitted to worship, but with restrictions at times. Jews faced additional hardships as they were required starting in the late 18th century under Catherine the Great to live in the Pale of Settlement, and in the 19th and early 20th centuries were subjected to officially encouraged bouts of anti-Semitism, including pogroms. All religions faced severe repression during the Soviet period.

Religious Policy in Russia

The Russian state established policies for dealing with different religions in the Czarist and Soviet periods which have been reintroduced and refined in post-Soviet Russia. First, the state strives to maintain strong control over the main religions in terms of their impact on political life.

There is a close relationship between the Kremlin and the Moscow Patriarch. When Peter the Great abolished the Patriarchate, he established the Most Holy Governing Synod to establish direct state control over the church — aping the Prussian example. In Soviet times the Patriarch and other church hierarchy were often KGB high officers, and the church was at the state's command for political tasks. Catherine the Great established an Islamic equivalent of the Most Holy Governing Synod in the late 18th century called the Orenburg Muslim Spiritual Assembly.

In the post-Soviet period, other aspects of earlier Russian religious policy have reappeared, including suspicions regarding religious groups that are not part of traditional religious practice in Russia. This includes Roman Catholics, Greek Catholics (Uniates), various Protestant groups, Scientologists, Hare Krishna, Jehovah's Witnesses and Salafi Muslim groups.

It is worth noting that under the relatively liberal governance of President Yeltsin in 1997, the Duma passed legislation endorsing the rights and positions of the "traditional" religions of Russia — Eastern Orthodoxy, Buddhism, Judaism and Islam — while providing no such assurances for other religious groups. A 2002 law on extremism took measures against Scientologists, Hare Krishna and some Muslim groupings. A July 2015 amendment to the 1997 law decreed that all places of worship must notify authorities when established and provide the names and addresses of members. This requirement is necessary for registration and without it the group has no status.

The purpose of these measures has been to make sure that religious groups pose no threat to social order and to the rule of the authorities. They privilege the faiths traditional to Russia and strive to ensure state control over their activities as they may influence social and especially political life.

Of the recognized traditional faiths, the Orthodox Church of the Moscow Patriarchate is the first among equals. It is the only Orthodox Church that has legal standing to operate throughout Russia and has assumed an important role in Moscow's soft power effort of *Russkiy Mir* or Russian World. The Russian World concept bundles Russian Orthodoxy, the Russian language and Russian culture to make the argument that Russia has produced a unique civilization. It uses this to strengthen the legitimacy of President Putin's regime at home — to reduce the attractiveness of Western life and values — and to make ethnic Russians and Russian speakers outside of Russia supporters of Russia. The idea is that these communities could give the Kremlin leverage to use against neighboring governments and in particular Kyiv.

Russian policy toward Islam also has implications in Crimea and elsewhere in Russia's "Near Abroad." In Islamic republics in Russia, a Spiritual Association of Muslims (SAM) has been created to keep religious activity within desired bounds by providing benefits and honors to religious leaders; only Islamic activities sanctioned by these institutions are legal. And Russian law and practice provides means to harass and restrict the hard-to-control Islamic groups that have either emerged or reappeared in post-Soviet Russia. While this may provide some advantage in managing extremist Islamic groups, it has the

unwelcome effect of making any Islamic group not sanctioned by a SAM illegal and subject to repression.

In this period the most acute religious danger to political order in Russia has appeared in the form of Salafi or extremist Islam. This problem is not, of course, unique to Russia. But the appearance of Islamic militants there complicated the already difficult history of Moscow's relationship with the Islamic territories in the north Caucasus that it conquered and annexed in the 19th century. Moscow has fought two wars in and with Chechnya in the past thirty years and for over a decade has maintained an uneasy peace there via an alliance with local strongman Ramzan Kadyrov. The Kremlin provides substantial subsidies and allows Kadyrov leeway for criminal activities in Moscow that aggravate, among others, the FSB and the Ministry of Interior. Chechen separatist groups were responsible for the hostage taking at a Moscow theater in 2002 that resulted in deaths of over 170 people and the hostage taking at a school in Beslan, North Ossetia that led to over 300 deaths in 2004.

Salafi groups in the Caucasus are hostile to Moscow. One such group, the Emirate of the Caucasus under leader Doku Umarov, claimed responsibility for the two suicide attacks in Volgograd in late December, 2013 that altogether took 34 lives. Those strikes were intended to disrupt the January 2014 Sochi Olympics, but there were no attacks during the Olympics.

Salafi groups are subject to prosecution for extremism, and the full force of Russian security forces with little regard for due process is used against them. While prosecution for extremism has not necessarily been restricted to those of Muslim faith—according to the Human Rights Watch, in the last year there has also been a dramatic escalation of persecution of Jehovah's Witnesses in Russia—Moscow and local leaders in Islamic areas have at times been less than meticulous in charging politically inconvenient Islamic figures with charges of extremism. The use of registration under SAMs to regulate Islamic groups means that moderate Muslims who are not registered are also subject to prosecution under the law. This has been true for followers of the Turkish religious leader, Said Nursi in the republic of Tatarstan who have been hounded by authorities for over a decade.

Russian Religious Policy in Ukraine: the Failure to Maintain the Supremacy of the Moscow Patriarchate

The Kremlin has effectively used the Moscow Patriarchate (MP) not only to project Russian influence as a key player in "Russian World" outreach, but also to help manage specific political problems. During the Orange Revolution in late 2004, when hundreds of thousands of people were in the streets protesting the efforts of Moscow-backed Presidential candidate Viktor Yanukovich to steal the election, Russian Orthodox prelates in Ukraine were speaking out against the demonstrators. Moscow wanted to make sure that Yanukovich became the next President of Ukraine and senior clerics such as then Bishop Pavel of the Kyiv Monastery of the Caves were only too happy to help. Indeed Max Gelman, a Russian political adviser to Yanukovich, wrote afterwards that the MP had tarnished its reputation in Ukraine through its support for Yanukovich.

During the Maidan Revolution, the winter of 2013-14, a broad coalition of religious groups – Christian, Jewish and Muslim – had encouraged a peaceful handling of the crisis by placing themselves on the streets of Kyiv between demonstrators and the police. MP clergy did not join this effort, and when

Moscow began its covert war in Donbas, some MP clergy refused to provide religious services for Ukrainian soldiers. This further tarnished the MP's reputation in Ukraine.

But perhaps the most significant issue in Moscow's religious policy in Ukraine concerned the recognition of the unified Orthodox Church of Ukraine by Patriarch Bartholomew of Constantinople, the senior hierarch in world Orthodoxy, in January 2019. This church brought together the Kyiv Patriarchate and the Ukrainian Autocephalous Orthodox Church in December 2018. Prior to that Patriarch Bartholomew's action, the MP was recognized in the Orthodox world as the canonical church throughout Ukraine. The decision by Patriarch of Constantinople was the result of a long process initiated by the Kyiv Patriarchate (one of the constituent elements of the unified Ukrainian Orthodox Church, UOC) and the government of Ukraine dating back at least to the Presidency of Viktor Yushchenko (2005-10).

The MP and the Kremlin worked hard, but ultimately unsuccessfully, to prevent this by lobbying with Patriarch Bartholomew, President Erdogan of Turkey, and the leaders of the 13 other autocephalous Orthodox churches; and after the fact, the MP broke relations with the Patriarchate of Constantinople. As of this writing two of the other 13 autocephalous churches -- the Patriarchate of Alexandria and the Orthodox Church of Greece -- have recognized the UOC's canonical status.

Moscow had two principal reasons for trying to stop this development. First, the emergence of a recognized, canonical Ukrainian Orthodox Church would weaken the MP's influence in Ukraine. Indeed, at this point the UOC claims that over 500 parishes have switched from the MP to the UOC; the MP acknowledges only 42 have moved; but more are likely to do so over time. The Moscow Patriarchate claims to have over 12,000 parishes in Ukraine. According to Anatoliy Babynski at the University of Toronto, the number of MP parishes is between 9,000 and 10,000. The OCU has 7,000 parishes.

The second reason is that the recognition of an independent Ukrainian Orthodox Church is a blow to the Russian World concept—it means a major Orthodox Slavic church is loyal to Kyiv and not Moscow.

Russian Religious Policy in Ukraine: Crimea and Donbas

Moscow seized and annexed Crimea in February and March of 2014; and began its not-so covert war in Donbas in April. Its church policy in Donbas and Crimea is designed to help consolidate Russian control in both areas. In Crimea, Moscow's overall policy has tried to control, if not stifle any signs of Ukrainian nationalism, whether from the nearly 30% of the population that is ethnic Ukrainian or the over 12% that is Crimean Tatar.

With ethnic Ukrainians, this meant targeting the obvious signs of Ukrainian culture: religion, and language particularly. On the religious side, the principal goal was to reduce the small presence of what had been the Kyiv Patriarch (which became part of the Ukrainian Orthodox Church in December 2018), and also the Greek Catholic church (Uniates). Since the annexation of Crimea, Moscow has applied Russian law towards this end; denying or revoking registration to Ukrainian parishes, seizing churches and handing them over to the MP, using blandishments and threats with KP and then OCU priests either to leave their church or to inform on fellow clergy.

Sadly, this policy has produced results. At the time of Moscow's invasion of Crimea there were 46 Kyiv Patriarch churches on the peninsula. By the end of 2014 that number had dropped to nine. By late 2019 (after the Kyiv Patriarchate became part of the unified Orthodox Church of Ukraine) this number had dropped to six. In Crimea, the Greek Catholic Church (Uniates) have no standing and must operate under the umbrella of the Roman Catholic Church.

Russian Policy Toward Islam and the Crimean Tatars

The question of Russian policy toward Islam in Crimea is tied to policy toward the Crimean Tatars. And this is a difficult problem for the Kremlin because the Tatars are strong Ukrainian patriots. History helps explain why. For centuries, the Khanate of Crimea was an ally of the Ottomans and a foe of Moscow. More importantly, the Tatars blame Moscow for their forced relocation from Crimea to Central Asia during World War II. Stalin moved nearly the entire Tatar population (238,000 people) and other "suspect" minorities as Hitler's armies marched east. According to Soviet statistics 20% of the Tatars died during the transfer; according to Crimean Tatar data, the number is 46%.

The Crimean Tatars began to return to Crimea in the last years of the Soviet Union following an official nullification on the ban on the return of the deported ethnicities in 1989, under Gorbachev. The Supreme Court of Crimea also declared the previous deportations of peoples criminal later that year. Their return to the peninsula has raised some difficult questions about accommodations for their past losses of property, but Crimean Tatars see their future in Ukraine and associate Moscow with the most difficult periods of their history.

Moscow's problems with the Tatars is further complicated by the fact that their leader, Mustafa Dzhemilev was a Soviet dissident advocating for Tatar rights who spent many years in the Gulag. Moscow tried to solve this problem by deporting Dzhemilev from Crimea, but his standing in the Crimean Tatar community is undiminished and he remains a strong voice internationally for the community.

Moscow's tactics toward Muslim organizations in Crimea resembles its approach toward the Ukrainian Orthodox Church. And the results have some similarities. The difference, though, is that there were and remain far more Tatar Islamic organizations. According to the Department of State's 2018 Report on International Religious Freedom: Ukraine: Crimea, in 2018 there were 831 Muslim organizations; but in 2014, before the Kremlin invasion, there were 2083.

As in Russia proper, in Crimea the authorities have brought cases for missionary activity by unregistered organizations and imposed fines. They have gone after Salafist groups; and they have also used trumped up charges of extremism to go after non-Salafist activists. Indeed, they have particular incentive to do this in Crimea because the Tatar community is well organized and not reconciled to Moscow's control. What better way to remove plucky Crimean activists than by charging them with extremist views? According to a September 2018 Report by the Office of the UN high Commissioner for Human Rights, of 33 Crimeans arrested for radical ties, four were convicted without credible evidence. According to the Religious Freedom Roundtable in Ukraine 24 Crimean Tatars were arrested in early 2019 on charges of belonging to the extremist group Hizb ut-Tahrir. Russian authorities in Crimea have also resorted to the inhumane Soviet practice of placing Muslim activists in psychiatric hospitals.

According to the Religious Freedom Roundtable, conditions in the occupied Donbas are even worse than Crimea. Once Moscow's covert war began, the "local authorities" (the first Prime Minister of the Donetsk People's Republic and the first Defense Minister were, respectively, Russian political technologist Aleksandr Borodai and FSB officer Igor Girkin-Strelkov) stated that the Orthodox Church of the Moscow Patriarchate was the main religious group in the area and began to move against other Christian religious activity.

Initially, groups not belonging to Russia's traditional religions were forbidden to conduct religious activities. Many places of worship, including prayer houses and temples were seized by armed groups and the arrest and harassment of other believers, including the Orthodox Church of Ukraine, the Greek Catholic Church and Protestant groups. Then, representatives of these groups were required by law to register, with criminal liability for the failure to do so. Yet, in the Luhansk Peoples Republic (LPR) the authorities rejected all Protestant registration application and re-registration requests from Baptists, Seventh Day Adventists and Pentacostalists. It also required OCU parishes to affiliate with the MP. Such policies drove many of these believers out of the LNR and the Donetsk Peoples Republics (DPR).

It is not unusual that the abuse of religious rights is greater in occupied Donbas than occupied Crimea. While the DPR and LPR have not been annexed by Moscow, the authorities have introduced the ruble as the working currency and operate within a framework dictated by Moscow, not by Ukrainian law. In addition, the ongoing conflict with some militias not under full control of the authorities creates an environment of lawlessness permitting even greater abuses.

Perhaps the key point is that Kremlin control of Crimea and the occupied Donbas has been disastrous for many religious groups for two reasons. First, the application of Russian authoritarian law on religion permits greater control of churches, mosques and temples than in Ukraine. Second, Moscow sees religion as a key front in the battle to control both Crimea and Donbas, and to project influence into the rest of Ukraine. That gives it a geopolitical motivation to repress and control the OCU, the Greek Catholic Church, Protestants and religious organizations associated with the Crimean Tatars, and to target some activists as religious extremists.

For people who prize freedom of conscience, the Kremlin's religious policy in Russia is worthy of concern. But its policy in Crimea and Donbas is particularly troublesome. For geopolitical reasons, the Kremlin has launched a multifaceted effort to severely constrict, if not eliminate, Christian activity not associated with the MP in both regions. In Crimea, its efforts to control the Crimean Tatars has included closing down approximately 60% of Islamic organizations and inventing charges of religious extremism to arrest Tatar activists. All justify designating Russia as a Country of Concern as its religious policies are part and parcel of its aggression in Ukraine.